

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

UNITED STATES OF AMERICA,	§	
	§	
	§	
v.	§	No. 1:20-CR-00289-RP
	§	
(17) ELLIOT FRANSHAW,	§	
<i>Defendant</i>	§	

**ORDER**

Before the Court is the U.S. Pretrial Services Office’s Petition for Action on Conditions of Pretrial Release, Dkt. 671. The petition states that Defendant Elliot Franshaw violated terms of his Order Setting Conditions of Release, *see* Dkt. 246, and asks that he be arrested and brought before the Court to explain why his release shouldn’t be revoked. Dkt. 671. In particular, the petition alleges that Franshaw violated Condition #3 of his release when he failed to inform Pretrial that he had moved, and when he failed to timely return calls from his Pretrial Officer inquiring into the move. *Id.* The petition also states that when Franshaw eventually did connect with his Pretrial Officer, he tested presumptively positive for cannabinoid and cocaine use. *Id.* (the petition notes that the lab confirmation results are still pending).

Franshaw currently resides in New Orleans, Louisiana and is being supervised by the Pretrial Services Office there pursuant to a “courtesy” supervision. After reviewing the petition and conferring with the Austin-based Pretrial Officer assigned to Franshaw’s case—who, in turn, had conferred with his New Orleans counterpart—the undersigned declined to issue an arrest warrant, which would have necessitated

U.S. Marshal Service transport of Franshaw from New Orleans to Austin. Instead, the Court set the petition for a Zoom hearing.<sup>1</sup> At that hearing, at which Franshaw appeared with his counsel, along with Austin- and New Orleans-based Pretrial Officers, and the Assistant U.S. Attorney, the Court admonished Franshaw for these violations and informed him of the potential consequences he would face should he violate the terms of his pretrial release again. Based on Franshaw's otherwise unblemished history of compliance prior to the alleged incidents, the Court declined to revoke his pretrial release at this time.

Accordingly, the Court **DENIES** the U.S. Pretrial Services Office's Petition for Action on Conditions of Pretrial Release, Dkt. 671, and continues Franshaw's release subject to the conditions set out in his Order Setting Conditions of Release, Dkt. 246.

SIGNED August 7, 2023.



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DUSTIN M. HOWELL  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> At the hearing, all parties confirmed their consent to conduct the proceeding via Zoom.